

Date:

Undertaking to the Work Health and Safety Commissioner given for the purposes of part 11 of the *Work Health and Safety Act 2011 (WHS Act)*.

by [insert name]

ABN/ ACN [insert number]

### Privacy statement

WorkSafe ACT respects your privacy and is committed to protecting personal information. The information provided on this document is for the purpose of making an undertaking to the Work Health and Safety Commissioner given for the purposes of part 11 of the WHS Act. This information will be managed within the requirements of the current ACT Government privacy policy.

WorkSafe ACT may publish the undertaking and the information contained in it for purposes identified in the undertaking or for other appropriate legal purposes in various publications such as newspapers and on its website. WorkSafe ACT may be required to disclose personal information to other regulatory agencies in accordance with other law enforcement activities which may be conducted as part of an investigation. Further information on our privacy policy can be found at <http://www.cmd.act.gov.au/legal/privacy>.

Enforceable undertaking proposal (insert name)

Date:
-------

**SECTION 1 - GENERAL INFORMATION**

**Note: A reference to a contravention includes an alleged contravention**

**a) Details of the person proposing the undertaking**

<i>Nominated person</i>	
<i>Street address:</i>	
<i>Postal address (if different from street address):</i>	
<i>Telephone contact number:</i>	
<i>Mobile contact number:</i>	
<i>Email address:</i>	
<i>Legal structure:</i>	
<i>Type of business:</i>	
<i>Commencement date of the entity:</i>	
<i>Number of workers</i>	Full time ..... Part time..... Casual .....
<i>Products and Services:</i>	
<i>Comments:</i>	

**b) Details of the alleged contravention**

**c) Details of the events surrounding the alleged contravention (omit personal details and reference to gender).**

**d) An acknowledgement that the regulator has alleged a contravention occurred**

[insert person] acknowledges that the regulator has alleged [the entity or the person] has contravened provisions of the *Work Health and Safety Act 2011*

Enforceable undertaking proposal (insert name)

Date:

**e) The details of any injury that arose from the alleged contravention**

**f) The details of any enforcement notices issued that relate to the alleged contravention:**

Notices received:

Yes (provide details)       No

Date issued	Notice type	Notice number	Contravention	Action taken

**g) A statement of assurance about future work health and safety behaviour**

**When an alleged contravention is associated with an injury/illness**

**h) The details of the type of workers' compensation provided (if the injured person(s) is a worker of the person)**

**The detail the support provided, and proposed to be provided, to the injured person(s) to overcome the injury/illness**

Does the contravention involve injury to person?

Yes       No

The injured person is an employee of: \_\_\_\_\_

Date	Description of support	Comments

Enforceable undertaking proposal (insert name)

Date:
-------

**i) If the matter involves a fatality or very serious injury<sup>1</sup>, a claim to demonstrate that exceptional circumstances exist that the enforceable undertaking is a more appropriate response than pursuing prosecution**

Does the contravention involve a fatality or very serious injury<sup>1</sup>?

 Yes No

**j) The detail of any existing work health and safety management system (WHSMS) at the workplace including the level of auditing currently undertaken**

**k) The detail of any consultation undertaken within the workplace regarding the proposal of an enforceable undertaking**

**l) A statement of regret that the incident occurred (i.e. not an admission of guilt)**

**m) Any rectifications made as a result of the contravention**


Total amount spent on rectifications

\$
----

**n) An acknowledgement that the enforceable undertaking may be published and publicised**

[insert name] acknowledges that the enforceable undertaking may be published on the WorkSafe ACT website and may be referenced in WorkSafe ACT publications.

**o) A statement of ability to comply with the terms of the enforceable, undertaking including financial commitments**

\_\_\_\_\_

<sup>1</sup> 1. An injury that has caused nervous system damage liable to lead to mental incapacity or permanent restriction of mobility or involves a major amputation of a limb or parts of the body, for example, amputation above the knee or elbow. This term is not defined in the WHS Act; it is used within this document to identify certain circumstances which will trigger additional steps in the enforceable undertaking process.

Enforceable undertaking proposal (insert name)

Date:
-------

**p) Statement regarding relationships with beneficiaries**

**q) Intellectual property licence**

[inset person] grants WorkSafe ACT a permanent, irrevocable, royalty free, worldwide, non- exclusive licence to use, reproduce, publish, distribute, electronically transmit, electronically distribute, adapt and modify any materials developed as a result of this enforceable undertaking.

**r) The person may be required to provide a statutory declaration**

**s) Acknowledgement of the guidance published by the regulator in relation to enforceable undertakings**

Enforceable undertaking proposal (insert name)

Date:
-------

**SECTION 2 – ENFORCEABLE TERMS**

- a) A commitment that the behaviour that led to the alleged contravention has ceased and will not reoccur
  
- b) A commitment to the ongoing effective management of work health and safety risks
  
- c) A commitment to disseminate information about the enforceable undertaking to workers, and other relevant parties (which may include work health and safety representatives), and in the annual report (if applicable)
  
- d) A commitment to participate constructively in all compliance monitoring activities of the enforceable undertaking

**STRATEGIES THAT WILL DELIVER BENEFIT TO WORKERS, INDUSTRY AND THE COMMUNITY.**

- e) Activities that will be undertaken to promote the objects of the WHS legislation that will deliver benefits for worker(s)

Strategy 1 – – Estimated Cost \$

Scope

Tangible Outcome

Beneficiaries / audience

Delivery method

Enforceable undertaking proposal (insert name)

Date:
-------

**Timeframe**

**Safety Outcome**

**Strategy 2 –  
Scope**

**– Estimated cost \$**

**Tangible Outcome**

**Beneficiaries / audience**

**Delivery method**

**Timeframe**

**Safety Outcome**

**Strategy 3 –  
Scope**

**Estimated Cost - \$**

**Tangible Outcome**

**Beneficiaries / audience**

Enforceable undertaking proposal (insert name)

Date:

Delivery method

Timeframe

Safety Outcome

Total amount to be spent on benefits to workers

\$

**f) Strategies that will deliver industry benefits**

Strategy 4 –

– Estimated Cost \$

Scope

Tangible Outcome

Beneficiaries / audience

Delivery method

Timeframe

Safety Outcome

Strategy 5 –

– Estimated cost \$

Scope



Enforceable undertaking proposal (insert name)

Date:
-------

**Tangible Outcome**

**Beneficiaries / audience**

**Delivery method**

**Timeframe**

**Safety Outcome**

**Strategy 6 –**

**Estimated Cost - \$**

**Scope**

**Tangible Outcome**

**Beneficiaries / audience**

**Delivery method**

**Timeframe**

**Safety Outcome**

Enforceable undertaking proposal (insert name)

Date:

Total amount to be spent on benefits to industry

\$

**g) Strategies that will deliver community benefits**

**Strategy 7 –**

**– Estimated Cost \$**

**Scope**

**Tangible Outcome**

**Beneficiaries / audience**

**Delivery method**

**Timeframe**

**Safety Outcome**

**Strategy 8 –**

**Estimated cost \$**

**Scope**

**Tangible Outcome**

**Beneficiaries / audience**

**Delivery method**

Enforceable undertaking proposal (insert name)

Date:
-------

**Timeframe**

**Safety Outcome**

**Strategy 9 –**

**Estimated Cost - \$**

**Scope**

**Tangible Outcome**

**Beneficiaries / audience**

**Delivery method**

**Timeframe**

**Safety Outcome**

Total amount to be spent on benefits to the community \$

**Total cost of all the strategies proposed**

Total amount to be spent on activities \$

Enforceable undertaking proposal (insert name)

Date:

- h) A commitment regarding linking the promotion of benefits to the enforceable undertaking**
  
- i) A commitment to establish and maintain (or maintain if a system already exists) a work health and safety management system (WHSMS)**
  
- j) A commitment to ensure the WHSMS is audited by third party auditors**
  
- k) A commitment to provide a copy of each finalised WHSMS audit report to WorkSafe ACT**
  
- l) A commitment to implement the recommendations from these audits (unless otherwise negotiated with the Work Health and Safety Commissioner)**
  
  
- m) Timeframe**

Enforceable undertaking proposal (insert name)

Date:

**SECTION 3 – OFFER OF UNDERTAKING**

I offer this undertaking and commit to the terms herein.

Signed

Name

Position

Dated at

this

(suburb)

day of

20

OR

As a duly authorised person of

I offer this undertaking and commit to the terms herein.

Signed (duly authorised person)

Name

Position

Dated at

this

(suburb)

day of

20

**SECTION 4 – WORKSAFE ACT ACCEPTANCE OF UNDERTAKING**

*The duration of an enforceable undertaking is determined by the content of the agreed terms. An enforceable undertaking commences and is enforceable once accepted by the regulator. The enforceable undertaking will be concluded on written advice from the regulator when all requirements of the undertaking have been satisfactorily executed.*

I accept this undertaking as an enforceable undertaking under section 216 of the WHS Act.

Signed

Name

Position

WorkSafe ACT

Dated at

this

(suburb)

day of

20

The full undertaking and general information about enforceable undertakings is available at [www.worksafe.act.gov.au](http://www.worksafe.act.gov.au)